

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 12, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-13410 - APPLICANT: ARTURO VIRAY - OWNER: WMCV
PHASE I, LLC**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Beer/Wine/Cooler On-Sale Establishment use.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit for a Beer/Wine/Cooler On-Sale Establishment within an existing restaurant at 495 South Grand Central Parkway, Suite #116.

EXECUTIVE SUMMARY

Section 19.04.050 requires Beer/Wine/Cooler On-Sale Establishment to be a minimum of 400 feet from any church, synagogue, school, childcare facility licensed for more than twelve children, or City park as measured from property line to property line. In this case, there are no protected uses known to be within the minimum distance requirement. The subject site is zoned PD (Planned Development). The requested use is in conformance with the Parkway Center District of the Las Vegas Downtown Centennial Plan. The proposed Beer/Wine/Cooler On-Sale Establishment use can be conducted in a harmonious and compatible manner with the existing and future development within the surrounding area.

BACKGROUND INFORMATION

A) Related Actions

- | | |
|----------|---|
| 11/23/98 | The City Council approved a Rezoning (Z-0100-97) to PD (Planned Development) on the subject property. The Planning Commission and staff recommended approval. |
| 05/16/01 | The City Council approved a Site Development Plan Review [Z-0100-97(3)] for a proposed 1,000,000 square foot commercial development (Furniture Mart) on approximately 36.11 acres at the northwest corner of the intersection of Bonneville Avenue and Grand Central Parkway. The Planning Commission and staff recommended approval. |
| 05/18/05 | The City Council approved a Review of Condition (ROC-6466) and (ROC-6467) to allow the required landscaping to be installed in phases and to change the location of a required trail. |
| 06/15/05 | The City Council approved a Master Sign Plan for a proposed business park at 495 South Grand Central Parkway. The Planning Commission and staff recommended approval. |
| 06/08/06 | The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #4/dr). |

B) Pre-Application Meeting

04/18/06 Details of an application for a Special Use Permitted for a Beer/Wine/Cooler On-Sale Establishment were discussed.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 8.95 Acres

B) Existing Land Use

Subject Property: Furniture Mart
North: Furniture Mart (under construction)
South: Outlet Mall
East: Undeveloped (Union Park)
West: Furniture Mart (under construction)

C) Planned Land Use

Subject Property: MXU (Mixed-Use)
North: MXU (Mixed-Use)
South: MXU (Mixed-Use)
East: MXU (Mixed-Use)
West: MXU (Mixed-Use)

D) Existing Zoning

Subject Property: PD (Planned Development)
North: PD (Planned Development)
South: PD (Planned Development)
East: PD (Planned Development)
West: PD (Planned Development)

E) General Plan Compliance

The Downtown Redevelopment Area Plan of the Southeast General Plan designates the subject site as MXU (Downtown Mixed Use). This land use category allows low and high-density residential, manufacturing, office, service and general commercial, and public facilities. The proposal conforms to the GC (General Commercial) category, which is allowed in the MXU (Downtown Mixed Use) designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Downtown Centennial Plan	X	
Redevelopment Plan Area	X	
Special Overlay District	X	
Gaming District	X	
Airport Overlay District	X	
Trails	X	
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Redevelopment Plan Area

The parcel is within the boundaries of the Las Vegas Redevelopment Area, with a Mixed-Use land use designation. The use is in conformance with the Redevelopment Plan.

Downtown Centennial Plan

The parcel is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the Parkway Center District. The district is intended to accommodate a wide variety of commercial, public and residential uses within vertically or horizontally mixed-use configuration. The development is consistent with the goals and objectives of the Downtown Centennial Plan.

Airport Overlay District

The site is subject to the North Las Vegas Airport Overlay District. Structures may be built up to 175 in height; any structures over this height limit must be approved by the Federal Aviation Administration (FAA).

Gaming District

The parcel is located within the Gaming District which allows for unrestricted gaming in conjunction with a 200 room hotel. This application is not subject to the Gaming District requirements.

Trails

On 05/18/05 the City Council approved a Review of Condition (ROC-6466) and (ROC-6467) to allow the required landscaping to be installed in phases and to change the location of a required trail. The requirement for the trail has been address through the reviews of condition.

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is not deemed to be a "Project of Regional Significance".

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Section 4.12 of the Parkway Center Development Standards, the following Parking Standards apply to the subject proposal:

Uses	GFA	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
<i>Trade Center (Phase I)—Existing</i>	1,281,979 SF	1 space/1,000 GFA	1,282	--	1,000	--
<i>Retail (Restaurant)</i>	4,850 SF	2 spaces/1,000 GFA	10			
<i>Retail (Temporary Buildings)—Existing</i>	349,686 SF	2 spaces/1,000 GFA	350	--	346	--
<i>Retail (Phase II)</i>	1,577,731 SF	2 spaces/1,000 GFA	1,578		1,855	--
<i>Retail (Phase III)</i>	2,032,171 SF	2 spaces/1,000 GFA	2,033	--	2,420	--
Total:	5,246,417 SF		5,253	63 of 5,253	5,621	64 of 5,621

The original Site Development Plan Review [Z-0100-97(3)], determined that the parking calculation for the trade center would require one (1) parking space per 1,000 square feet. Based on those findings the Retail (Restaurant) use will not exceed the required parking for the overall site.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Beer/Wine/Cooler Establishment (On-Sale)	400 feet from any church, synagogue, school, child care facility licensed for more than 12 children, or City park	yes

B) General Analysis and Discussion

- Zoning

The subject site is zoned PD (Planned Development). The requested use is in conformance with the Parkway Center District of the Las Vegas Downtown Centennial Plan.

- Use

Section 19.04.050 requires Beer/Wine/Cooler On-Sale Establishment to be a minimum of 400 feet from any church, synagogue, school, childcare facility licensed for more than twelve children, or City park as measured from property line to property line. In this case, there are no protected uses known to be within the minimum distance requirement. The commercial center is in compliance with Title 19 requirements and has no current or past code enforcement violations on record. The use lies within an established commercial zoning district and can be conducted in a manner that is harmonious and compatible with the surrounding development.

- Conditions

The following conditions are stipulated for a Beer/Wine/Cooler On-Sale Establishment:

Except as otherwise provided in this Chapter, no beer/wine/cooler on-sale establishment (hereinafter “establishment”) shall be located within four hundred feet of any church, synagogue, school, child care facility licensed for more than twelve children, or City park.

All businesses which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Beer/Wine/Cooler On-Sale Establishment use can be conducted in a harmonious and compatible manner with the existing and future development within the surrounding area.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is physically suitable for the type and intensity of land use proposed. The addition of a **Beer/Wine/Cooler On-Sale Establishment** use does not affect the parking requirement for the existing restaurant.

3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”

The site is served by Grand Central Parkway (a 100-foot primary arterial). The addition of beer/wine/cooler sales will not impact the ability of this arterial to handle the traffic load.

4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

The proposal is consistent with the objectives of the General Plan and will not, as a result, compromise the public health, safety, and welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

28

ASSEMBLY DISTRICT **6**

SENATE DISTRICT **4**

NOTICES MAILED 57 by City Clerk

APPROVALS **0**

PROTESTS **0**